

February 12, 1976

PRESIDENT: That's the only matter on Select File so we move then to General File, LB 666 Constitutional amendment.

CLERK: Read title to LB 666. There are Committee amendments by Senator Syas' Constitutional Revision and Recreation Committee.

PRESIDENT: Chair recognizes Senator Syas.

SENATOR SYAS: I move the amendments be adopted. I'll let.... They were clarifying the constitutional amendment. The opinion I wrote, of why we put out the bill, was with the amendments already adopted in it. Senator Lewis could take it from there.

PRESIDENT: Senator Frank Lewis.

SENATOR F. LEWIS: Thank you, Senator Syas. Mr. Chairman, may I make some general remarks about the bill, or would you prefer me to just simply make the remarks about the amendment?

PRESIDENT: It might be preferable that you make some remarks about the bill so the amendments will be more understandable.

SENATOR F. LEWIS: That's what I wanted to do, but I wanted to stay within the procedure. Mr. Chairman and members of the Legislature. This bill is the heart of the two-bill program that the Education Committee has that we hope will finally resolve the issue of special education. As you recall, when the special education bill was passed that immediately the state departments started implementing the methods and procedures for special education. One of the mechanisms they implemented was allowing the local school districts to contract with nonpublic agencies for services. It was almost a year later that the Attorney General said that that was not a legal procedure, that it was unconstitutional. There were some four to five hundred children at that time that were being served by nonpublic agencies. The kind of agencies that served these children were those that had some highly technical schools, some highly technical skills for low incident type of situations or for students in particular rural areas. Garnett Green of Omaha is a classic example. Some of these were nonpublic agencies, some of them were nonreligious and some were.

We decided the first thing we needed to do was to provide an opportunity to provide services, regardless of what kind of agency it was, as long as the control of whether or not that student would go to that school would be left with the local public schools. That's what we've done.

We originally wrote the language. Several people said to us that they thought it was a little too broad. So we wanted you to know the specific purpose of this particular amendment, so we amended that to say that it was for children, in the state or its citizens, under the age of 21 who are handicapped, as the term is, from time to time, defined by the Legislature.